

**IDAHO
PUBLIC UTILITIES
Commission**

Philip E. Batt, Governor

DOCKET FILE COPY ORIGINAL
P.O. Box 83720, Boise, Idaho 83720-0074

Dennis S. Hansen, President
Ralph Nelson, Commissioner
Marsha H. Smith, Commissioner

VIA FEDERAL EXPRESS

October 29, 1997

Mr. William F. Caton, Acting Secretary
Federal Communications Commission
1919 M Street NW, Room 222
Washington, DC 20554

RECEIVED
OCT 30 1997
FEDERAL REC

RE: Idaho Petition for Waiver of Lifeline Criteria in CC Docket No. 96-45

Dear Mr. Caton:

Enclosed are an original plus 15 copies of the Idaho Public Utilities Commission's Petition for Waiver to be filed in the above referenced Docket. Please date-stamp one copy and return it in the enclosed, self-addressed stamped envelope.

Sincerely,

Donald L. Howell, II
Deputy Attorney General

DH/cm/L:caton.dh
Enclosure

cc: Joe Cusick
Neva Kaufman, H&W

No. of Copies rec'd 0416
List ABCDE

DOCKET FILE COPY ORIGINAL

**BEFORE THE FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554**

IN THE MATTER OF

**FEDERAL-STATE JOINT BOARD ON
UNIVERSAL SERVICE**

CC DOCKET NO. 96-45

RECEIVED

OCT 30 1997

FCC MAIL ROOM

**IDAHO PUBLIC UTILITIES COMMISSION'S PETITION
FOR WAIVER AND REQUEST FOR EXPEDITED RULING**

The Idaho Public Utilities Commission (IPUC) seeks a waiver of the "solely income" eligibility requirement for the federal Lifeline program established in the Commission's Report and Order on Universal Service, CC Docket No. 96-45, FCC Order 97-157, released May 8, 1997 (hereinafter "USF Order"). Granting this waiver will allow low-income customers participating in the Idaho Telecommunications Service Assistance Program (ITAP) to continue receiving the maximum available benefit until the Idaho Legislature has the opportunity to consider changing the state's eligibility criteria to comport with the Commission's revised Lifeline eligibility requirements. The IPUC asks the Commission for an expedited ruling so that this matter may be resolved prior to January 1, 1998.

BACKGROUND

The Commission's Universal Service Order revised the federal Lifeline program for low-income individuals effective January 1, 1998. The Commission required specific means-tested eligibility standards for state Lifeline participation. The Commission concluded that "the goal of increasing low-income subscribership will best be met if the qualifications to receive Lifeline assistance are based solely on income or factors directly related to income." *USF Order* at ¶ 373.

The Commission required that Lifeline participants meet the income "criteria established by the state commission" in states, such as Idaho, that provide Lifeline support. 47 C.F.R. § 54.409(a).¹ After January 1, 1998, the Commission determined that only those state Lifeline programs that met the new eligibility criteria would be eligible for support from the federal fund.

Idaho has participated in the federal Lifeline programs since 1987. Idaho's Lifeline program (i.e., ITAP) is codified at *Idaho Code* §§ 56-901 through -904. Although Idaho's Lifeline program is means-tested, it limits eligibility to participants eligible for Low Income Home Energy Assistance Program (LIHEAP) and who are 60 years old or older. *USF Order* at ¶ 373 and n. 939.

WAIVER REQUEST

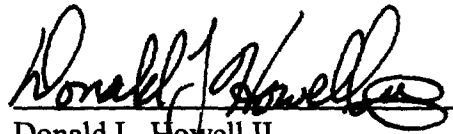
The IPUC seeks a temporary waiver until July 1, 1998, of the requirement that eligibility criteria be based solely on income, so that our Legislature may consider amending the Idaho Lifeline statute. An immediate waiver is necessary because the Idaho Legislature does not convene until January 12, 1998. Even after it convenes, amendments to existing statutes are not normally effective until July 1, 1998. The IPUC in conjunction with telecommunication service providers will propose that the Legislature amend our Lifeline statute (*Idaho Code* § 56-903) to delete the age requirement. While it is difficult to predict what the final legislation will be, the IPUC's goal is to have Idaho law be in compliance with the requirements of the Universal Service Order. Granting the waiver will allow the nearly 6,000 Idaho Lifeline customers to continue to receive assistance while the legislative process occurs. It is important to continue the benefits to Idaho's current Lifeline customers so that universal service does not decline. For this reason, the IPUC requests that the Commission grant Idaho a waiver from the requirements of 47 C.F.R. § 54.409(a) until July 1, 1998.

¹In Idaho, the existing Lifeline support criteria is established by state law, not the Commission. *Idaho Code* § 56-903.

For the reasons stated above, the IPUC respectfully requests the Commission grant a waiver of its requirement that Lifeline eligibility be based solely on income until July 1, 1998. The IPUC urges the Commission to expedite its consideration of this petition.

Respectfully submitted this 29th day of October 1997.

On behalf of the
IDAHO PUBLIC UTILITIES COMMISSION

A handwritten signature in black ink, appearing to read "Donald L. Howell II", is written over a horizontal line.

Donald L. Howell II
Deputy Attorney General

472 W. Washington
PO Box 83720
Boise, ID 83720-0074
(208) 334-0312
Fax (208) 334-3762

cm\N:fcc9645.dh